

# **1 INTRODUCTION**

## **1.1 DRAFT AND FINAL ENVIRONMENTAL IMPACT REPORT**

On September 27, 2004, the State of California Department of Corrections (CDC) distributed to public agencies and the general public a Draft Environmental Impact Report (Draft EIR) for the San Quentin State Prison (SQSP) Condemned Inmate Complex (CIC) Project (project). The project involves construction of a new condemned male inmate complex that would house up to 1,408 condemned male inmates in 1,024 cells on an approximate 40-acre site within the existing boundaries of SQSP in Marin County, California. Chapter 2, "Summary of Project Description," provides a summary of the project description.

The Draft EIR evaluates the environmental impacts, mitigation measures, and project alternatives to reduce the impacts associated with construction and operation of the CIC project. The California Environmental Quality Act (CEQA) Guidelines Section 15025(d) requires a 45-day review period for the Draft EIR. The 45-day review period for the CIC project began on September 27, 2004 and ended on November 12, 2004. Public, State, and local agencies and the general public commented on issues evaluated in the Draft EIR during the review period. During the review period, written comments were received from 88 commenters. In addition, a public hearing was held at the Marin County Civic Center on November 4, 2004, during which oral comments were received on the Draft EIR from 31 commenters. Written comment letters and a transcript of oral testimony provided at the public hearing are provided in their entirety in Chapter 3, "Comments and Responses to Comments on the Draft EIR."

The Final EIR consists of the following documents in their entirety:

- Draft Environmental Impact Report for the San Quentin State Prison Condemned Inmate Complex Project (including Appendixes A through G), dated September 27, 2004 (Volume 1);
- Comments received on the Draft EIR;
- This Responses to Comments document for the San Quentin State Prison Condemned Inmate Complex Project, dated April 13, 2005 (Volume 2).

These documents are available for review at the California Department of Corrections, 501 J Street, Room 304, Sacramento, California, 95814; on the internet at <[www.corr.ca.gov/FacilitiesManagement/CICP/default.asp](http://www.corr.ca.gov/FacilitiesManagement/CICP/default.asp)>; and at the following additional locations:

City of Larkspur  
Planning Department  
400 Magnolia Avenue  
Larkspur, California 94939

City of San Rafael  
Community Development Department  
1400 Fifth Avenue (Third Floor of City Hall)  
San Rafael, California 94901

County of Marin  
Community Development Department  
3501 Civic Center Drive, Room 308  
San Rafael, California 94903

## **1.2 ORGANIZATION OF THE RESPONSES TO COMMENTS DOCUMENT**

Chapter 2, “Summary of Project Description,” presents a summary of the project description presented in the Draft EIR. Chapter 3, “Comments and Responses to Comments on the Draft EIR,” contains all written and oral comments received on the Draft EIR and presents responses to significant environmental issues raised in the comments, as required in State CEQA Guidelines Section 15132.

Many of the issues raised in comments on the Draft EIR address the merits of the project and do not require response in the context of CEQA. Nonetheless where feasible and relevant, responses are provided to supply as much information as possible about the project to the public, interested agencies, and decision makers.

All comment letters and comments by speakers at public hearings are labeled to correspond with an index table (Table 3-1, p. 3-1) in Chapter 3. Each individual comment is assigned a number (e.g., 1-1) that corresponds with the response following the comment. Chapter 4, “Corrections and Revisions to the Draft EIR,” presents any changes that were made to the text of the Draft EIR in response to comments raised. Chapter 6, “Report Preparers,” identifies the preparers of this document.

For those comments that result in corrections or revisions to the Draft EIR, the text of the Draft EIR is reproduced in the comment and Chapter 4 with deleted text struck-through (~~strikeout~~) and added text underlined (underline).

## **1.3 COMMENTS THAT REQUIRE RESPONSES**

As specified in Section 15088(c) of the State CEQA Guidelines, the focus of the responses to comments shall be on the disposition of significant environmental issues. Responses are not required on comments regarding the merits of the project or on issues not related to the environmental impacts of the project. Comments on the merits of the project or other comments that do not raise environmental issues will be forwarded to the Director of CDC identified in this document for consideration before approving or denying the project. Where these comments are raised, the phrase “the comment is acknowledged” is used.

## **1.4 MASTER RESPONSES TO COMMENTS**

Several environmental issues were raised in multiple comments. Master responses were prepared for these issues. The master responses include comments related to project alternatives, visual resource impacts, and staffing assumptions used for the EIR. The master responses are provided in Section 3.2 of this document.

## **1.5 PROJECT UPDATE SINCE PUBLICATION OF THE DRAFT EIR**

### **1.5.1 PROPOSED USE OF H-UNIT**

Since publication of the Draft EIR on September 24, 2004, modification in the design and construction of the Condemned Inmate Complex (CIC) has been proposed by CDC. In lieu of constructing new proposed warehouse, support services buildings and central maintenance building outside the secure perimeter of the CIC, CDC instead has proposed a design modification to renovate selected buildings within the Level II complex known as H-Unit, located adjacent and east of the proposed CIC site, to serve as warehouse, support service and maintenance functions, and storage.

H-Unit is a low-security facility that currently houses approximately 1,000 Level II inmates in five dormitory housing units. Support buildings within H-Unit include an administration building and kitchen/dining room facility. The CIC project as initially evaluated in the Draft EIR assumes that the H-Unit will remain in place and will continue to house approximately 1,000 inmates. Under this design modification, CDC would permanently reduce the number of inmates that could be housed in H-Unit from approximately 1,000 to 200 inmates by reducing the number of H-Unit dormitory buildings from five to one. Where this capacity would be absorbed, if necessary, is currently unknown, and as explained in Master Response 3, the capacity at San Quentin and all other institutions fluctuates within a range. If the need to house these inmates results in new construction or new potentially significant impacts elsewhere, CDC will evaluate those impacts and prepare the appropriate environmental documentation to support that construction. As proposed in the Draft EIR, the CIC project would displace 250 Level I inmates through the demolition of the existing Ranch Level I housing units. Two hundred of these Level I inmates would be housed in the remaining H-Unit dormitory building under this proposal, and the remaining 50 inmates would be placed in other facilities at SQSP or dispersed to other CDC facilities.

The administration and kitchen/dining room buildings in H-Unit would remain to provide support space for the 200 Level I inmates occupying the unit and support other operations within the main SQSP facility. Fencing (e.g., double security perimeter) and lighting associated with the existing H-Unit facility would be modified to reflect the reduced inmate population and revised use of these buildings.

The H-Unit buildings would be used for some of the support services functions proposed for the CIC, including approximately 26,000 square feet of warehouse and freezer/cooler space, 13,000 square feet of central building maintenance space, and approximately 13,000 square feet of training and administrative space.

As a result of the conversion of the H-Unit complex, there would be a net reduction in the maximum number of inmates housed at the SQSP facility, a corresponding decrease in the number of staff employed at SQSP, and a net reduction in the demolition and construction activities that would be required at the site. The new warehouse, support services building, central building, and maintenance buildings would no longer be constructed. With regard to the environmental impacts of demolition and construction activities associated with this proposal, this modification would slightly reduce the severity of some impacts, but would not alter the significance or nature of the environmental impacts identified in the Draft EIR. The Draft EIR has evaluated project impacts assuming a greater level of construction would occur (i.e., more buildings would be demolished and constructed) and has committed to implement measures to mitigate project impacts at this higher level. This design modification would not change the overall scope of the project, and would only result in the conversion of existing buildings in exchange for construction of new warehouse, support services, and maintenance buildings. Please see Master Response 3 for additional discussion of this issue, as well as impacts related to reduction in inmate capacity.

## **1.5.2 AGENCY COORDINATION**

Since publication of the Draft EIR, CDC has conducted additional consultation with regulatory agencies regarding the mitigation requirements outlined in the Draft EIR. Specifically, CDC has consulted with the State of California Office of Historic Preservation (OHP), the U.S. Army Corps of Engineers (USACE), and the Regional Water Quality Control Board (RWQCB). A brief summary of these consultation efforts follows.

- State of California Office of Historic Preservation: CDC contacted the State Historic Preservation Officer (SHPO) regarding confirmation of impact determinations made for cultural resources at the project site and acceptance of mitigation measures presented in the Draft EIR. On January 13, 2005 a representative of the OHP attended a site visit to San Quentin. Pursuant to Public Resources Code

Section 5024.5, CDC has requested SHPO's concurrence with the findings that several historic resources are eligible for listing as historic resources in the California Register of Historic Resources. For additional information regarding the results of the consultation process, please refer to response to comment 9-34 (page 3-94).

- ▶ U.S. Army Corps of Engineers: CDC directed the preparation of a wetland delineation of the open ditch located on the project site. This wetland delineation was submitted to USACE for verification, and a verification letter is anticipated before project construction. The delineation identified 0.04 acre of jurisdictional wetlands, less than the 0.2 acre identified on page 4.3-13 of the Draft EIR. If the project is approved, CDC will seek appropriate permits from USACE and the RWQCB for fill of this ditch. It is likely that these permits will include Nationwide Permits 7, 33, and 39, and a 401 water quality certification from the RWQCB. This is consistent with mitigation on page 4.3-14 of the Draft EIR.
- ▶ Regional Water Quality Control Board: CDC has initiated consultation with the RWQCB regarding soil clean up activities at the project site. CDC has submitted a Pre-Construction Soil and Groundwater Characterization Report for the Condemned Inmate Complex that details the constituents of concern at the project site and recommended clean up activities. For more information regarding these activities, please refer to response to comment 5-1.

## **1.6 PROJECT DECISION PROCESS**

The proposed project was initiated following passage of the State Budget Act in 2003, wherein funding for the proposed project was authorized. The environmental review process was initiated with publication of the Notice of Preparation of an EIR on November 26, 2003 and a public scoping meeting on December 18, 2003. The Draft EIR was circulated for a 45-day public review period on September 27, 2004, and a public hearing to receive oral comments on the contents of the Draft EIR was held November 4, 2004.

This document responds to the comments raised on the Draft EIR pertaining to the environmental impacts of the proposed project. This document was published on April 15, 2005 and is available for a 10-day review period, at the locations identified in Section 1.1 of this document.

Following the 10-day review period, the Director of CDC will review the Draft EIR and this document, which together form the Final EIR. The Director will also review any comments provided on this document, as well as other information pertaining to the EIR, and will determine if the Final EIR should be certified as adequate pursuant to CEQA.

Once the Final EIR is certified, the Director of CDC can decide whether to approve the project. If the Director decides to approve the project, CDC will prepare findings of fact. These findings will describe whether the significant impacts of the project can be reduced to a less-than-significant level through alternatives or imposition of mitigation measures and if not, why there are no feasible mitigation measures or alternatives to reduce the impact. CDC will also prepare a statement of overriding considerations that explains why the Director would approve the project, despite the fact that significant unavoidable impacts would occur. Finally, CDC will prepare a mitigation monitoring and reporting plan that describes how each of the mitigation measures will be implemented and provides a mechanism for tracking their implementation. The Director would be required to approve each document if the project is to be approved.